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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,122	03/05/2002	David Crocker	U 013898-4	5155
7590	01/13/2005			
Ladas & Parry 26 West 61st Street New York, NY 10023			EXAMINER DAS, CHAMELI	
			ART UNIT 2122	PAPER NUMBER
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,122

Applicant(s)

CROCKER, DAVID

Examiner

CHAMELI C DAS

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are pending.

2. **Specification**

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a)

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and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: The specification does not include "Brief Description of the Drawing", "Detailed Description of the Invention" section. The specification only includes Figure 1 and Figure 2. There is no description of Figure 3 in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 13 and 26, the limitation "a descendent class one part is and the other part is not inherited by the overriding method" is unclear.

The Examiner interpreted the limitation as "a descendent class one part is ***inherited*** and the other part is not inherited by the overriding method".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-12, 14-21 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastor et al (Pastor), US 6,681,383 and further in view of Hurley et al (Hurley), US 6,678,882 and official notice taken by the examiner.

As per claim 1, Pastor (US 6,681,383) discloses:

- writing a specification of a class, method and expected properties of a component of the software (col 19, lines 14-19, col 20, lines 60-67, col 21, lines 1-8, col 37, lines 36-45)
- checking the specification for errors and verifying that the class has the expected properties (col 7, lines 5-60, col 3, lines 57-65, col 8, lines 10-20), the specification is validated and the "class definition is in the specification language" (col 8 lines 12-16), shows that "verifying that the class has the expected properties" as claimed
- generating executable code for the class from the specification (col 26, lines 50-60)
- running and evaluating the executable code that the code meets the requirements.. speed of performance (col 25, lines 50-67, col 26, lines 1-60, col 38, lines 65-67, col 39, lines 1-11, col 31, lines 26-31), "the services are executed"

and the “service be successfully accomplished” clearly shows that the “code meets the requirement and executed as claimed,

- evaluating the ... handle (col 31, 26-34), where code size is validated (col 31, lines 29-31) shows that evaluate the speed of performance when handling data sets commensurate to the size of the data as claimed.

Pastor discloses the specification is formal. Pastor does not does not disclose the specification is *abstract*. However, Hurley discloses the abstract specification (col 9, lines 30-38). The modification would be obvious because the abstract specification is extremely generic. Thus it allows the developers to focus on high level system design issues.

Pastor discloses evaluating the size of the program. Neither Pastor nor Hurley disclose evaluate speed of performance. However, official notice is taken for evaluating the speed of performance.

The modification would be obvious because one of the ordinary skill in the art would be motivated to optimize the program efficiently.

For claim 2, Pastor discloses: specification is too complex to generate executable code directly (col 7, lines 65-67 col 8 lines 1-10) refining the method by specify a series of operations to be undertaken, to produce a refined method and verifying that the refined method behaves in accordance with the ... executable code (col 8 lines 1-54, col 39 lines 41-67, col 40 lines 1-22).

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For claim 3, (col 7, lines 5-62).

For claim 4, Pastor disclose evaluating the size of the code (col 31, lines 29-31) which indicates validate the speed of performance, restructuring the data maintain by the class (col 23, lines 45-55), adding variable declarations for the restructured data and refining the method and constructors ... generating executable code (col 23 lines 56-67, col 24 lines 1-34).

For claim 5, (col 7, lines 65-67 col 8 lines 1-10), (col 8 lines 1-54, col 39 lines 41-67, col 40 lines 1-22).

For claim 6, (col 8 lines 50-52, col 8 lines 49-50, col 10 lines 20-25, col 34 lines 35-36). Pastor discloses the specification is formal. Pastor does not does not disclose the specification is *abstract*. However, Hurley discloses the abstract specification (col 9, lines 30-38). The modification would be obvious because the abstract specification is extremely generic. Thus it allows the developers to focus on high level system design issues.

For claim 7, (col 8, lines 46-67, col 18, lines 27-30).

For claim 8, (col 29, lines 55-60, col 6, lines 30-37, col 25 lines 40-50).

For claim 11, col 4, lines 43-47, col 14 lines 46-52, col 18 lines 6-35, col 34 lines 20-35).

For claims 12, and 25, (i) col 16 lines 65-67-col 17 lines 1-5, where “ each piece of information” is the token of the specification

(ii) col 30 lines 40-51

(iii) col 8 lines 46-67, col 9 lines 1-26

(iv) col 7 lines 45-60

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(v) col 17 lines 63-67 col 18 lines 1-5), when the attributes are changed, variables are also changed (replaced) because attributes contain variables (col 18 lines 27-34)

(vi) col 39 lines 55-60

(vii) col 39 lines 15-45

(ix) col 40 lines 50-62

(x) col 4 lines 57-60.

(xi) col 4 lines 57-60.

Pastor does not specifically disclose generating the test data for testing speed of performance. Official notice is taken for testing the speed of performance. The modification would be obvious because one of the ordinary skill in the art would be motivated to generate the optimized code efficiently.

Claims 14-21 and 24-25 are the system claims corresponding to the method claims 1-8 and 11-12 respectively and rejected under the same reason set forth in connection of the rejections of claims 1-8 and 11-12.

6. Claims 9-10, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastor et al (Pastor), US 6,681,383 and further in view of Hurley et al (Hurley), US 6,678,882 and Kossatchev et al (Kossatchev), US 6,698,012

For claim 9, (col 9, lines 35-45, col 10, lines 7-12, col 12, lines 56-67).

As per claim 9, neither Pastor nor Hurley disclose a post-assertion description of conditions expected to hold when the method returns. However, Kossatchev discloses a post-assertion description of conditions expected to hold

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when the method returns (Kossatchev, col 8 lines 13-22). The modification would be obvious because one of the ordinary skill in the art would be motivated to validate the specification efficiently.

For claim 10, (Kossatchev, col 13, lines 10-16). The modification would be obvious because one of the ordinary skill in the art would be motivated to validate the specification efficiently.

Claims 22-23 are the system claims corresponding to the method claims 9-10 respectively and rejected under the same reason set forth in connection of the rejections of claims 19-10.

Allowable Subject Matter

7. Claims 13 and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Method and system for creating and validating low level description of electronic design from higher level, behavior-oriented description, including interactive system for hierarchical display of control and dataflow information, US 5555201 A

TITLE: Automated testing system, US 5390325 A

TITLE: Model-based software design and validation, US 6289502 B1

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TITLE: Collaborative model for software systems with synchronization submodel with merge feature, automatic conflict resolution and isolation of potential changes for reuse, US 6678882 B1

TITLE: Method for reconstructing debugging information for a decompiled executable file, US 6151701

TITLE: Method and apparatus for validating travelling object-oriented programs with digital signatures, US 6105072 A

TITLE: Automated method for building and maintaining software including methods for verifying that systems are internally consistent and correct relative to their specifications, US 6275976 B1

TITLE: Method and apparatus for a fully inherited object-oriented computer system for generating source code from user-entered specifications, US 5699310.

TITLE: OOSPEC: An Executable Object-Oriented Specification Language, author: Paryavi et al, ACM, 1995.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (571) 272-3696. The examiner can normally be reached on 7-3:30 and examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C-Das
CHAMELI C. DAS
PRIMARY EXAMINER

12/21/09